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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,229	05/19/2000	Toru Chiba	P19101	7775
7055	7590	04/07/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			HECKENBERG JR, DONALD H	
1950 ROLAND CLARKE PLACE			ART UNIT	
RESTON, VA 20191			PAPER NUMBER	
			1722	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

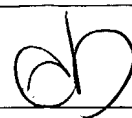
**Office Action Summary**

Application No.

09/574,229

Applicant(s)

CHIBA, TORU



Examiner

Donald Heckenberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4,5,21,23,27,28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,21,23,27,28 and 30-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 21, 23, and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Neefe (U.S. Pat. No. 4,416,837).

Neefe discloses a lens molding die. The die comprises a base member (2) made of a hard metal material (see fig. 1 and col. 1, ll. 50-51). The base member has a spherically shaped surface (3). A resin-molded surface layer is formed on the spherical surface of the base member (see fig. 2 and col. 1, ll. 55-65). The resin molded surface layer is provided with a aspheric surface shape corresponding to the shape of the lens to be produced (figs. 2-3). The surface shape of the resin molded surface layer is uninterrupted, that is smooth, with no notches or other discontinuous structures (see fig. 2). The aspheric surface layer, while conforming to the spherically shaped surface of the base member, has a different curvature than the curvature of the spherically shaped surface of the base member (fig. 2). The thickness of the resin-molded surface layer is

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less than the thickness of the base member (fig. 2), and the resin-molded surface layer is as such to be inactive with a material to be molded by the lens molding die (see col. 1, l. 67 - col. 2, l. 8, noting that the cross-linking agents are used to prevent the lens from sticking to the surface of the resin-molded layer, thus in effect making the resin molded surface and the lens molding material inactive with each other). As shown in fig. 2, the thickness of the resin-molded surface layer is configured to vary only in accordance with the aspheric component of the resin-molded surface layer.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeffe in view of Blum (U.S. Pat. No. 5,141,678; previously of record).

Neeffe discloses the lens mold as described above, notably including the use of a resin molded surface layer. However, Neeffe does not disclose the type of resin molded surface layer used.

Blum discloses a lens molding die provided with a resin molded surface layer (12). Blum notes that such a surface layer may alternatively be made from thermosetting or ultraviolet curable resins (col. 3, ll. 41-42 and col. 4, ll. 4-13).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have used either a thermosetting or ultraviolet curable resin to form the resin molded surface layer disclosed by Neeffe because these are two types of resins known in the art as suitable to form such lens mold layer as suggested by Blum.

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6. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neeffe in view of Ishihara et al. (U.S. Pat. No. 6,135,929; previously of record).

Neeffe discloses the lens molding die as described above, notably including the use of a resin molded surface layer. However, Neeffe does not disclose the thickness of the resin molded surface layer.

Ishihara discloses a lens molding die. The lens molding die is provided with a resinous surface layer (10). Ishihara notes the surface layer should be in the range of 0.1 - 10 mm thick for assuring high molding efficiency (col. 6, ll. 22-33).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have made the resin molded surface layer of Neeffe 0.1 - 10 mm thick because such a thickness allows for high molding efficiency as suggested by Ishihara. Note, the range of 0.1 - 10 mm fully encompasses, and thus anticipates, the claimed range of 0.2 to 0.5 mm recited in the instant application. Note further, this modification of the die disclosed by Neeffe amounts to the optimization of a property of the apparatus- the thickness of the resin molded surface layer. Generally, the optimization of a known cause effective variable such as the thickness of the resin surface layer is seen as obvious to one of ordinary skill in the art. In re

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Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980); In re Aller, 220 F.2d 454, 105 USPQ 233 (CCPA 1955).

7. Applicant's arguments with respect to claims 1, 21, and 23 have been considered but are moot in view of the new grounds of rejection described above.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Heckenberg whose telephone number is (571) 272-1131. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at (571) 272-1151. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<<http://pair-direct.uspto.gov>>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

  
Donald Heckenberg  
April 1, 2004

  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300 / 700

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